

(1) wants to go to San Diego<sup>538</sup>

(2) Dog track scares him.

(3) Scheduling problem (nightmare)

If [Berger's Indian advisor] gets the \$ people together Adam says he can go – meet with \$ people – listen to concerns, take copious notes – talk about event in DC. What are your thoughts?<sup>539</sup>

Crain reported to Mercer and Sullivan about his fund-raising efforts, including the plans relating to the NIGA convention and the Indians. Crain also informed Sullivan that he was frustrated by Mercer's efforts with Indians, which were interfering with Crain's.

Consistent with these developments, Crain attended the Milwaukee NIGA convention on behalf of the DNC.<sup>540</sup> The day after the convention concluded, Crain reported to Berger that the NIGA leadership was happy the DNC sent a representative, and that he had toured the convention floor with Berger's Indian friends for "lots of one on one meetings."<sup>541</sup> Crain termed the event "very productive" and noted their need to "strategize about what to do next."<sup>542</sup> Later that same day, he called Berger again to propose a conference call on Aug. 25 with Mercer to

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<sup>538</sup>That October, the National Congress of American Indians had its conference in San Diego. Fowler did not attend, but DeAtley did go on behalf of the DNC.

<sup>539</sup>Berger also sensed from these communications that Mercer and Crain might be competing for credit on these Indian finance prospects, and that Mercer was quite focused on the immediate (not long-term) fund-raising potential of this group of gaming tribes.

<sup>540</sup>Kitto also attended the convention to address the gathering on "the importance of contributing to Democratic Senators who support tribal gaming," and to identify candidates who the tribes should support in the 1996 Senate races. Kitto also wrote to the DSCC's Rita Lewis that he would have a "private session with Indians who are Democrats" at the convention to develop an "activist position and program" for the 1996 races, including a goal of raising "\$30,000 to \$50,000 before the end of 1995." Memo from Larry Kitto to Rita Lewis, Aug. 5, 1995. O'Connor's and Corcoran's St. Croix billing records show that they briefed Kitto on the threatened lawsuit before he attended the NIGA convention and that Corcoran then conferred with Kitto and NIGA representatives during the convention itself.

<sup>541</sup>Phone Message Slip from Adam Crain to Mitchell Berger, Aug. 23, 1995.

<sup>542</sup>*Id.*